

Report to Regulatory Panel

Agenda
Item:
A.2

Meeting Date: 13th July 2016
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: DRIVING WITHOUT DUE CARE AND ATTENTION – SAIT
COLAK (HD 214)
Report of: Director of Governance
Report Number: GD.41/16

Purpose / Summary:

Sait Colak has been a Licenced Hackney Carriage Driver with this Council since December 2014. The Licencing Department have received complaints against Mr Colak with regard to the speed and manner of his driving in a Council Licensed vehicle.

Recommendations:

To reach a decision from the options available, after hearing evidence and the response from Mr Colak in accordance with Section 61 (1)(b) of the Local Government Miscellaneous Provisions Act 1976.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

To the Chairman & Members of the Regulatory Panel on the 13th July 2016

NAME Sait Colak

ADDRESS Botchergate, Carlisle

AGE 42

LICENSING HISTORY

Mr Colak was first licensed as a Hackney Carriage Driver on 8th December 2014. He completed all of the application criteria at the time, including taking the Driving Standards Agency 'Taxi test' on 2nd December 2015.

COMPLAINTS

The following complaints have been received against Mr Colak since his licence was issued in December 2014.

22.12.14 A fellow taxi driver notified that he had witnessed Mr Colak's meter on the night rate (Tariff 2) at 10:30pm (Tariff 2 should be set for hiring commenced between 11:00pm and 7:00am) and suggested that "we keep an eye on him".

11.04.16 A complaint was raised that certain drivers were refusing fares at the Station Rank due to the short nature of the journey. Mr Colak was named as one of the drivers concerned. A letter was sent to him on 11th April reminding him of his duty to accept all fares unless there is good reason not to. **(Appendix 1)**

18.04.16 A member of the public made a complaint that Mr Colak's driving was dangerous and at excessive speed leaving him shaken following a journey from the Hallmark Hotel, Carlisle to Appleby Train Station on 17th April 2016.

The complainant was an employee of a train company using taxis to commute their employees to Appleby due to a landslide on the Settle line.

Full details of the complaint are attached at **Appendix 2** and in summary the complainant stated that the vehicle was being driven at 50mph on London Road and sharp braking at the M6 junction caused the complainants bags to be sent across the floor. He further complained that whilst on the motorway the vehicle was being driven at nearly 90mph and

Mr Colak had only one hand on the wheel and he felt that the vehicle was unstable leaving him quite shaken.

Mr Colak was interviewed on 19th April 2016 and he disputed all allegations made against him. As there was no independent witness to the incident the Licensing Officer sent Mr Colak a letter of warning and informed him that should the licensing office receive any similar complaint of if he is convicted of any motoring offences, the matter may be referred to the Council's Regulatory Panel where this complaint would also be mentioned.

The licensing office have since been informed that due to the serious nature of the concerns from the complainant, the company have changed their transport supplier.

26/06/16 On Sunday 26th June 2016 the Licensing Manager witnessed Mr Colak driving his licenced vehicle (H125) at speed from Junction 44 to Junction 43 of the M6 Southbound. The Licensing Manager states that the vehicle came to her attention at the traffic lights on the J44 roundabout as the taxi was half way through a red light. The vehicle travelled onto the M6 Southbound and the Licensing Manager was also travelling in this direction. Mr Colak was witnessed pulling out onto the M6 in front of a red HGV which had to pull quickly into the middle lane. The Licensing Manager was travelling at 70mph and tried unsuccessfully to follow Mr Colak as he was quickly accelerating away, however she witnessed him changing lanes and overtaking unsafely without the use of his indicators.

The Licensing Manager estimates that Mr Colak was driving between 90-100mph and his manoeuvres were dangerous.

A Licensing Officer interviewed Mr Colak on 27th June 2016 and put the above complaint to him. He disputed all the allegations made against him. He said that he did not remember the journey but he doesn't travel that fast, "70mph or 75 mph at the very most". He said that "some people driver really slow on the motorway, about 50-60mph – which makes those who travel at 70mph look as though they are really fast". With regard to manoeuvring onto the M6 dangerously he said that he would not have done that, he doesn't pull in front of people and as a taxi driver he is aware that he needs to drive carefully. He said that he always indicates when manoeuvring on the motorway.

DRIVING LICENCE

Mr Colak's driving licence has no penalty points or endorsements.

(Appendix 3)

LEGISLATION

Section 61 (1) of the Local Government Miscellaneous Provisions Act 1976 states that a District Council may suspend or revoke a Hackney Carriage Driver Licence on a number of grounds.

Section 61 (1) (b) gives the grounds of “any other reasonable cause” (**Appendix 4**)

OPTIONS

It is recommended that after hearing the evidence and any other representations from Mr Donnelly the members reach a decision in line with the options available.

- 1 To take no further action.
- 2 To issue him with a letter of warning.
- 3 To suspend his Hackney Carriage Driver's Licence for a period of time.
- 4 To revoke his Hackney Carriage drivers Licence.
- 5 As well as or instead of the above, to require him to sit and pass a Driving Standards Agency Taxi Driving Test.

Contact Officer: Nicola Edwards Ext: 7025

Appendices
attached to report:

- 1 – Letter 11th April 2016**
- 2 - Full details of complaint 18th April 2016**
- 3 – Driving Licence record**
- 4 - Legislation**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

None

Director of Governance: M D Lambert LLB (Hons)

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Council Website www.carlisle.gov.uk

Mr S Colak
Botchergate
Carlisle
Cumbria

Enquiries to: Barry Sharrock
Direct Dial: 01228 817523
email: licensing@carlisle.gov.uk

11 April 2016

Dear Mr Colak

Short Journeys

The Council have received complaints about drivers refusing fares at the Station Rank because of the short nature of the journey. Your name has been mentioned as being one of the drivers concerned.

I would like to remind you therefore that you can only refuse a fare if you have a genuine reason to do so eg. the person tries to get in the taxi whilst eating or you have previously had a bad experience with them.

Short journeys are catered for in the Hackney Tariff with a fare of £2.85p for the first 0.7mile.

Should a complainant wish to pursue a complaint and is willing to identify a driver the matter could be referred to the Councils Regulatory Panel where the options open to the members include the suspension or revocation of your licence.

Yours sincerely



Licensing Manager

Details

Dear Sir

I wish to report the following incident I was pre booked a taxi to Appleby station on 17/04/16 from Carlisle station, a taxi was waiting outside the Hallmark hotel and a middle eastern driver can across to ask where I was going, I asked him instead where he was going and it became apparent he spoke very little English, he did not understand road names or places but was simply given a postcode to put in his sat nav, to which I neither knew if this was right for Appleby station or not, I specifically asked him not to rush and told him we had plenty of time to get to Appleby.

Upon leaving the station and heading down London Road I noticed he was not sticking to the 30mph limit and as we got further down London road past the eastern bypass turn off he was hitting 50mph, we got to the M6 junction a Golden Fleece and the brakes were jammed on sending my bag flying across the floor.

Whilst driving down the motorway he was hitting close to 90mph and with one hand on the wheel, the taxi seemed to be light at the back when he was steering, this may have been caused by excessive speed, having been in a near fatal crash on the M6 some years ago this left me quite shaken as I do not this driver is suitable to private hire taxis.

The vehicle in question was SF15 FXY (H125) White Peugeot 6 seater driven by a turkish man at very high speed.

Yours Sincerely



Governance Directorate

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Mr S Colak
Botchergate
Carlisle
Cumbria

Enquiries to: Barry Sharrock
Direct Dial: 01228 817523
email: licensing@carlisle.gov.uk

25 April 2016

Dear Mr Colak

Complaint.

On the 19th April 2016 my Licensing Officer interviewed you regarding a complaint the Council had received. It concerned a journey to Appleby where the passenger complained about you breaking the speed limits in Botchergate, London Road and on the motorway.

You disputed these allegations, saying that you didn't exceed the speed limit in either Botchergate or London Road. You did admit that your speed on the motorway might have reached 75mph but certainly not 90mph.

As there are no independent witnesses to the incident, the Council will not be taking any action in regard of the matter. However, I must warn you that should we receive any similar complaints or if you are convicted of any motoring offences, the matter may be referred to the Council's Regulatory Panel where this complaint would also be mentioned.

Yours sincerely

Licensing Manager



Licence summary

You can share this licence information summary with someone else like your employer or a car hire firm.

Mr SAIT COLAK

Driving licence number:

Licence issue number:

62

Licence valid from:

21 April 2012

Licence valid to:

20 April 2022

Check code:

477STpDX

This code

- is case sensitive
- is valid for 21 days
- can only be used once

Date summary generated:

30 June 2016 10:39

Driving Status

Current full licence

Endorsements









0

Offences


0

Points

Can drive

Category	Start date	End date	Codes
B 	20 March 1996	25 July 2043	
BE 	20 March 1996	25 July 2043	
C1 	20 March 1996	25 July 2043	
C1E 	20 March 1996	25 July 2043	107
D1 	20 March 1996	25 July 2043	101
D1E 	20 March 1996	25 July 2043	101, 119
F 	20 March 1996	25 July 2043	
K	20 March 1996	25 July 2043	
L	20 March 1996	25 July 2043	
N	20 March 1996	25 July 2043	
P 	20 March 1996	25 July 2043	

Provisionally drive

Category	Start date	End date	Codes
A 	13 September 1995	25 July 2043	
G	13 September 1995	25 July 2043	
H	13 September 1995	25 July 2043	

What to do next

How to share your licence summary

Give the check code or this licence summary to someone else, like your employer or a car hire firm. They'll also need the last 8 characters of your driving licence number.

Where to view a shared licence summary

Visit <https://www.gov.uk/check-driving-licence> and enter the last 8 characters of the driving licence number and the check code.

Check code not working?

If the code generated is older than 21 days, or the code has been viewed once before, a new code must be created.



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Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

61 Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

- (a) that he has since the grant of the licence—
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- (b) any other reasonable cause.

(2) (a)

Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

- (b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 1 on the standard scale].

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[^{F2}(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [^{F3}subsection (1) of] this section may appeal to a magistrates' court.

Annotations:

Amendments (Textual)

- F1** Words substituted by virtue of [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **ss. 38, 46**
- F2** [S. 61\(2A\)\(2B\)](#) inserted (16.3.2007) by [Road Safety Act 2006](#) (c. 49), **ss. 52(2)**, 61; S.I. 2007/466, **art. 2**
- F3** Words in [s. 61\(3\)](#) inserted (16.3.2007) by [Road Safety Act 2006](#) (c. 49), **ss. 52(3)**, 61; S.I. 2007/466, **art. 2**

Modifications etc. (not altering text)

- C1** [S. 61](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), **reg. 2(1)**, [Sch. 1](#) Table B4

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 61 modified by [S.I. 2009/2863 reg. 4](#) Table

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 44(1C) inserted by [S.I. 2013/755 Sch. 2 para.153](#)
- s. 55A 55B inserted by [2015 c. 20 s. 11](#)
- s. 65(7A) inserted by [2012 anaw 2 Sch. 2 para. 10\(3\)](#)

Commencement Orders yet to be applied to the Local Government (Miscellaneous Provisions) Act 1976

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/3318 art. 2-4](#) commences (2009 c. 20)
- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)
- [S.I. 2011/3019 art. 3 Sch. 1](#) commences (2011 c. 13)